

REMARKS

Claims 23-27, 30-37, 39-41, and 43-52 are pending in this application. This response amends claims 43, 49, and 50. These amendments are responsive to the Examiner's request for clarification in the claim language. Further, entry of these amendments would remove issues for appeal (i.e., the rejections under § 112). Therefore, it is respectfully submitted that entry of these amendments is proper after final rejection.

FINALITY OF THE REJECTION IS IMPROPER BECAUSE THE OFFICE ACTION DOES NOT ANALYZE ALL PENDING CLAIMS

Applicant respectfully notes that the Detailed Action omits any specific explanation of how claims 31, 32, 39, 43-44 and 48-52 are rejected as being unpatentable under § 103. The omission of these claims in the § 103 rejection represents a failure to articulate a *prima facie* case of obviousness. Applicant respectfully requests the issuance of another Office Action providing an explanation of how claims 31, 32, 39, 43, and 48-52 are unpatentable under § 103.

The undersigned discussed these issues with Examiner Czekaj on April 21, 2008 and again on May 7, 2008. During these discussions, Examiner Czekaj agreed that these amendments would be entered and the next office action, if adverse to the applicant, would be a final rejection with analysis of all pending claims.

REJECTIONS UNDER § 112

Claims 43, 49, and 50 were rejected as indefinite. Without conceding to the propriety of this rejection and in order to expedite prosecution of this application, claims 43, 49, and 50 are amended to specify where the steps of the recited method are performed. Furthermore, in response to the Examiner's request for clarification of how the degraded image is being produced, claims 43, 49, and 50 are amended to specify that the degraded images are produced by "adjusting image parameters." Note further that claims 43 and 49-50 also recite refreshing the image periodically, which is a conventional way to refer to moving picture data (video data). The rejected claims are sufficiently clear to one of skill in the art and, therefore, Applicant respectfully requests withdrawal of this rejection.

REJECTIONS UNDER § 103

All claims stand rejected as obvious over prior art. As noted above, the Office Action provides no analysis of claims 31, 32, 39, 43-44 or 48-52. The Office Action applies Yamaguchi et al. (U.S. Patent No. 6,400,392) as a primary reference and Matsumoto et al. (U.S. Patent No. 5,524,198), Sankaranarayan et al. (U.S. Patent No. 6,799,208), and Atick et al. (U.S. Patent No. 6,111,517) as secondary references against the remaining claims. Applicants respectfully request withdrawal of the outstanding rejections because the cited art, even if considered collectively, fails to teach all elements of the claims.

Consider independent claims 43 and 49-50, which recite:

at a site remote from the user's system: •••

wherein the act of determining whether a window displaying the image is fully visible to the user comprises ***determining whether at least a portion of the image is visually obstructed;***

adjusting image parameters to produce a degraded image ***in response to a determination that said user is inactive;***

The cited art does not teach or suggest this subject matter.

To support the rejection, the Office Action cites to Yamaguchi at Col. 15:1-15 and to Matsumoto, Col. 6:35-64. Yamaguchi's disclosure, however, is inappropriate because Yamaguchi's system makes its decisions based on ***user activity, not user inactivity as claimed.*** Yamaguchi states:

The video channel change detecting part 1521 detects the video channel to which the user's attention is directed when a number of video channels are presented to conference participants. For example, ***the video channel may be the video channel most recently selected or selected by the most users,*** among a plurality of video channels. Yamaguchi, Col. 15:4-9.

Here, there may arise cases in which the operator at the receiving end desires to change the standard resolution image displayed on the monitor to a high resolution image, for example. ***Changing the resolution of the image displayed on the video monitor is accomplished by the operator selecting one or the other of the up/down (or left/right) arrow keys provided, for example, on a keyboard.*** The code corresponding to the arrow key selected by the operator is input to the input part 1002. Yamaguchi, Col. 12:30-40

Yamaguchi, therefore, teaches away from the subject matter recited in these claims. Matsumoto's disclosure is directed to character processing methods for computer user interfaces, not to image delivery systems as claimed. Nothing in Matsumoto's disclosure teaches

or suggests modifying resolution of image data in an image delivery system based on whether a portion of the image is visually obstructed. Accordingly, claim 43 defines over the cited art.

Applicant further submits that there is no reason to modify the video apparatus of Yamaguchi (the primary reference) to transmit degraded images via a network based on a determination of user inactivity. Yamaguchi is concerned with conserving computer resources locally at the receiving terminal when the receiving user is inactive. Yamaguchi does not indicate that the conservation of bandwidth in the transmission channels during periods of user inactivity is a problem that needs to be addressed. Therefore, there is no reason why a person of ordinary skill in the art would modify Yamaguchi to transmit degraded images via a network based on a determination of user inactivity.

Furthermore, various of the claim rejections are improper because the Office Action mischaracterizes the cited art, as in the following examples:

Regarding claim 25, the Office Action alleges that Yamaguchi discloses (in col. 17:9-11) the claim feature: "determining whether the user is active or inactive further comprises determining whether a certain period of time has elapsed," wherein the period of time is represented by the window attention time interval. Applicant respectfully disagrees. This portion of Yamaguchi relates to a determination that a short window attention time interval may be judged as an erroneous operation by the user – not a determination that the user is active or inactive.

Regarding claim 26, the Office Action alleges that Atick discloses (in col. 7:56-67) the claim feature: "said certain period of time begins when the image was last refreshed." Applicant respectfully disagrees. This portion of Atick relates to the time frame for a continuous monitoring cycle, which can be as fast as the hardware will allow. There is no mention of an image being refreshed.

Regarding claim 36, the Office Action alleges that Atick discloses (in col. 7:56-67) the claim feature: "the degraded image is sent to the user's system upon refresh." Applicant respectfully disagrees. As explained above, this portion of Atick relates to the time frame for a continuous monitoring cycle, and there is no mention of an image being sent to a user's system.

For at least these reasons, Applicant respectfully submits that the above-rejected claims are patentable over the cited references. Accordingly, withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicant(s) respectfully submit that the present application is in condition for allowance. The Examiner is invited to contact Applicant(s)' representative to discuss any issue that would expedite allowance of this application.

The Commissioner is authorized to charge all required fees, fees under § 1.17, or all required extension of time fees, or to credit any overpayment to Deposit Account No. 11-0600 (Kenyon & Kenyon LLP).

Respectfully submitted,

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